

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of

Civil Citation No. 59156

Richard C. Thompson
Etienne A. Thompson

116 Embleton Road

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Code Enforcement Hearing Officer for the Department of Permits and Development Management on September 6, 2009, for a Hearing on a citation for violations of the Baltimore County Zoning Regulations (BCZR) section 1B01.1, 270, 421.1, failure to cease operation of illegal dog kennel on residential property known as 116 Embleton Road, 21117.

On 2009, pursuant to § 3-6-205, Baltimore County Code, Inspector David Kirby issued a Code Enforcement citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$1,000.00 (one thousand dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on April 22, 2009 requesting that Respondents cease illegal dog kennel by reducing number of dogs to limit of three. This Citation was issued on September 24, 2009.

B. Photographs in the file show four full-grown dogs in the rear yard of this residence as recently as October 5, 2009. Notes in the file by Inspector David Kirby state that his first inspection, on April 22, 2009, found eight dogs in the back yard and at least one more dog barking inside the house. Re-inspection on May 14, 2009 found the same situation. A Citation was issued on May 14, 2009 but an extension of time was granted at the request of Respondent Tina Thompson, who explained that they had an unplanned litter of puppies and were trying to place the extra dogs in good homes. Multiple extensions of time were granted. After mid-August, the inspector's telephone calls were not returned.

C. Based on the evidence presented, the Hearing Officer finds that more than three dogs are being kept at this residential property. Under the Baltimore County Code, keeping more than three dogs for noncommercial purposes requires a license for a holding facility. Operation of a holding facility without a license is prohibited. BCC Section 12-1-101; Section 12-2-104. In the terminology of the County Zoning Regulations, this constitutes a private dog kennel. BCZR Section 101.1 (Private Kennel – housing more than three dogs). Operation of a kennel in this residential property violates zoning regulations. The number of dogs kept at this property must be reduced to no more than three dogs.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$1,000.00 (one thousand dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$100.00 (one hundred dollars) if the violation is corrected by November 2, 2009, with the number of dogs kept at this property reduced to no more than three, and with this reduction confirmed by County inspection.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty as authorized above shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 9th day of October 2009.

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer